

REMARKS

This Amendment and Reply is intended to be completely responsive to the Final Office Action mailed July 9, 2008. Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 12, 13 and 26-31 have been canceled without prejudice to further prosecution on the merits. Claims 14, 19 and 23-25 have been amended. New Claims 32-39 have been added. No new matter has been added. Accordingly, Claims 14-25 and 32-39 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

Claim Objections

On page 2, the Examiner the Examiner objected to Claim 24 because it was mistakenly numbered "14" rather than "24." Applicant thanks the Examiner for noting this typographical error. Applicant has made the appropriate correction in this Amendment and Reply. Accordingly, Applicant respectfully requests withdrawal of the objection to Claim 24.

Allowable Subject Matter

On pages 4 and 5 of the Detailed Action, the Examiner objected to Claims 14-22 and 24 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for this notice of allowable subject matter.

Applicant has chosen to rewrite Claims 14, 19 and 24 in independent form to include all of the limitations of their respective base claim and any intervening claims. Accordingly, Applicant requests favorable consideration and allowance of independent Claims 14, 19 and 24. Dependent Claims 15-18, 20-23, 25 and 32-39 each depend from one of independent Claims 14,

19 and 24, and are allowable therewith for at least the reason of their dependency, without regard to the further patentable limitations set forth in such claims.

Despite rewriting Claims 4, 19 and 24 in independent form, Applicant wishes to make it unmistakably clear that it does not agree to or acquiesce in the rejections under 35 U.S.C. § 102(b) and under 35 U.S.C. § 103(a) detailed below. Claims 14, 19 and 24 have been rewritten in independent form only to obtain prompt allowance of claims reciting subject matter indicated as allowable by the Examiner.

Further, while Applicant agrees that Claims 14-22 and 24 recite a combination of subject matter that is patentable over the cited references, Applicant does not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Applicant notes that the subject matter recited in Claims 14-22 and 24 as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. Applicant expressly reserves the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding.

Claim Rejections – 35 U.S.C. § 102 and § 103

On page 2 of the Detailed Action, the Examiner rejected Claims 12, 23 and 25 under 35 U.S.C. § 102(b) as being anticipated by DE 4435835 to Leuchtmann (“Leuchtmann”). On page 3, the Examiner rejected Claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Leuchtmann in view of U.S. Patent No. 5,527,087 to Takeda et al. (“Takeda et al.”).

Applicant believes that these rejections are now moot. As set forth above, Claims 12 and 13 have been canceled without prejudice to further prosecution on the merits and Claims 23 and 25 now depend from a claim that the Examiner has indicated is allowable. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 102(b) and under 35 U.S.C. § 103(a).

* * *


Applicant respectfully submits that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicant's claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5349
Facsimile: (202) 672-5399

Andrew E. Rawlins
Attorney for Applicant
Registration No. 34,702